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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA

18 JOHN MEGGS, Individually,

19 Plaintiff,

20 vs.

Case No. 2:19-cv-773

21 GOLDEN ENTERTAINMENT (NV), INC., a
22 Minnesota Corporation,

23 Defendant.

24 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**
25 **AND RELATED STATE LAW CLAIMS**

26 Plaintiff, JOHN MEGGS, Individually, on his behalf and on behalf of all other mobility
27 impaired individuals similarly situated, (sometimes referred to as "Plaintiff"), hereby sues the
28 Defendant, GOLDEN ENTERTAINMENT (NV), INC., a Minnesota Corporation, (sometimes
referred to as "Defendant"), for Injunctive Relief, damages, attorney's fees, litigation expenses, and
costs pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq. ("ADA") and the
Nevada Revised Statutes 651.070 et. seq. ("Nevada ADA" or "NADA"), and allege the following:

29 **COUNT I**
30 **VIOLATION OF TITLE III OF THE**
31 **AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12181, et seq.**

32 1. Plaintiff, JOHN MEGGS, is an individual residing at 1615 W. 207th St., Torrence, CA

- 1 90501-1917, in the County of Los Angeles.
- 2 2. Defendant Golden Entertainment (NV), Inc., is the owner and/or operator of both PT's Pub
3 and PT's Gold (hereinafter referred to "PT's Pub and PT's Gold," or "PT's Pub and PT's
4 Gold taverns"), a popular tavern chain in southern Nevada.
- 5 3. Venue is properly located in the District of Nevada because venue lies in the judicial district
6 of the property situs. The Defendant's properties are located in and do business within this
7 judicial district.
- 8 4. Pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343, this Court has been given original
9 jurisdiction over actions which arise from the Defendant's violations of Title III of the
10 Americans with Disabilities Act, 42 U.S.C. § 12181 et seq. See also 28 U.S.C. § 2201 and
11 § 2202. Jurisdiction over the state law claims vests with this Court because pending and
12 supplemental jurisdiction is proper pursuant to 28 U.S.C. § 1367.
- 13 5. Plaintiff JOHN MEGGS is a California resident, is sui juris, and qualifies as an individual
14 with disabilities as defined by the ADA, being a paraplegic. Mr. Meggs relies on a
15 wheelchair for mobility. Mr. Meggs regularly visits Las Vegas to visit his two daughters,
16 who reside in Las Vegas, to visit with his close friends, and to enjoy the entertainment and
17 to gamble. While in Nevada, Mr. Meggs visits in a reasonable proximity to several of
18 Defendant's facilities, and has patronized several of Defendant's facilities that are in
19 violation of the ADA. Mr. Meggs has been to the subject pubs on numerous occasions, and
20 plans to return to the Defendant's properties in the near future to avail himself of the goods
21 and services offered to the public at the properties. Plaintiff John Meggs has encountered
22 architectural barriers at the subject pubs, as set forth herein. The barriers to access at the
23 Defendant's pubs have endangered his safety.
- 24 6. Defendant owns, leases (or leases to), or operates places of public accommodation as defined
25 by the ADA and the regulations implementing the ADA, 28 CFR 36.201(a) and 36.104.
26 Defendant is responsible for complying with the obligations of the ADA. The places of
27 public accommodation that the Defendant owns, operates, leases (or leases to), are known
28 as PT's Pub and PT's Gold, and are located in Nevada.

- 1 7. JOHN MEGGS has a realistic, credible, existing and continuing threat of discrimination from
2 the Defendant's non-compliance with the ADA with respect to the PT's Pub and PT's Gold
3 taverns, as described but not necessarily limited to the allegations in paragraph 9 of this
4 complaint. Plaintiff has reasonable grounds to believe that he will continue to be subjected
5 to discrimination in violation of the ADA by the Defendant. JOHN MEGGS desires to visit
6 various PT's Pub and PT's Gold taverns, not only to avail himself of the goods and services
7 available at the properties, but to assure himself that the facilities are in compliance with the
8 ADA so that he and others similarly situated individuals will have full and equal enjoyment
9 of PT's Pub and PT's Gold taverns without fear of discrimination.
- 10 8. The Defendant has discriminated against the individual Plaintiff by denying him access to,
11 and full and equal enjoyment of, the goods, services, facilities, privileges, advantages and/or
12 accommodations of the buildings, as prohibited by 42 U.S.C. § 12182 et seq.
- 13 9. The Defendant has discriminated, and is continuing to discriminate, against the Plaintiff in
14 violation of the ADA by failing to, inter alia, have accessible facilities by January 26, 1992
15 (or January 26, 1993, if Defendant has 10 or fewer employees and gross receipts of \$500,000
16 or less). A preliminary inspections of the PT's Pub and PT's Gold taverns in Nevada have
17 shown that violations exist. These common violations that JOHN MEGGS personally
18 encountered or observed are common characteristics at the PT's Pub and PT's Gold taverns
19 which include, but are not limited to:
- 20 A. Inaccessible poker slot machines mounted in the bar countertops, with inaccessible
21 money slots that are too high for reach by a person in a wheelchair.
 - 22 B. William Hill kiosks used for depositing money in sport wager accounts that are
23 inaccessible.
 - 24 C. Improper and inaccessible routes throughout the bars, including inaccessible and
25 improper ramps, stairs, and missing handrails on both sides.
 - 26 D. Inaccessible restrooms.
- 27 10. All of the foregoing violations are also violations of the 1991 Americans with Disabilities
28 Act Guidelines (ADAAG), and the 2010 Standards for Accessible Design, as promulgated

1 by the U.S. Department of Justice.

2 11. The discriminatory violations described in paragraph 9 are not an exclusive list of the
3 Defendant's ADA violations. Plaintiff requires the inspection of the Defendant's places of
4 public accommodation in order to photograph and measure all of the discriminatory acts
5 violating the ADA and all of the barriers to access. The individual Plaintiff, and all other
6 individuals similarly situated, have been denied access to, and have been denied the benefits
7 of services, programs and activities of the Defendant's facilities, and have otherwise been
8 discriminated against and damaged by the Defendant because of the Defendant's ADA
9 violations, as set forth above. The individual Plaintiff, and all others similarly situated, will
10 continue to suffer such discrimination, injury and damage without the immediate relief
11 provided by the ADA as requested herein. In order to remedy this discriminatory situation,
12 the Plaintiff requires an inspection of the Defendant's statewide PT's Pub and PT's Gold
13 taverns, in order to determine all of the areas of non-compliance with the Americans with
14 Disabilities Act.

15 12. Defendant has discriminated against the individual Plaintiff by denying him access to full
16 and equal enjoyment of the goods, services, facilities, privileges, advantages and/or
17 accommodations of its place of public accommodation or commercial facility in violation
18 of 42 U.S.C. § 12181 et seq. and 28 CFR 36.302 et seq. Furthermore, the Defendant
19 continues to discriminate against the Plaintiff, and all those similarly situated by failing to
20 make reasonable modifications in policies, practices or procedures, when such modifications
21 are necessary to afford all offered goods, services, facilities, privileges, advantages or
22 accommodations to individuals with disabilities; and by failing to take such efforts that may
23 be necessary to ensure that no individual with a disability is excluded, denied services,
24 segregated or otherwise treated differently than other individuals because of the absence of
25 auxiliary aids and services.

26 13. Plaintiff is without adequate remedy at law and is suffering irreparable harm. Considering
27 the balance of hardships between the Plaintiff and Defendant, a remedy in equity is
28 warranted. Furthermore, the public interest would not be disserved by a permanent

1 injunction. Plaintiff has retained the undersigned counsel and are entitled to recover
2 attorney's fees, costs and litigation expenses from the Defendant pursuant to 42 U.S.C.
3 § 12205 and 28 CFR 36.505.

4 14. Defendant is required to remove the existing architectural barriers to the physically disabled
5 when such removal is readily achievable for its place of public accommodation that have
6 existed prior to January 26, 1992, 28 CFR 36.304(a); in the alternative, if there has been an
7 alteration to Defendant's place of public accommodation since January 26, 1992, then the
8 Defendant is required to ensure to the maximum extent feasible, that the altered portions of
9 the facility are readily accessible to and useable by individuals with disabilities, including
10 individuals who use wheelchairs, 28 CFR 36.402; and finally, if the Defendant's facility is
11 one which was designed and constructed for first occupancy subsequent to January 26, 1993,
12 as defined in 28 CFR 36.401, then the Defendant's facility must be readily accessible to and
13 useable by individuals with disabilities as defined by the ADA.

14 15. Notice to Defendant is not required as a result of the Defendant's failure to cure the
15 violations by January 26, 1992 (or January 26, 1993, if Defendant has 10 or fewer employees
16 and gross receipts of \$500,000 or less). All other conditions precedent have been met by
17 Plaintiff or waived by the Defendant.

18 16. Pursuant to 42 U.S.C. § 12188, this Court is provided with authority to grant Plaintiff
19 Injunctive Relief, including an order to require the Defendant to alter PT's Pub and PT's
20 Gold taverns to make those facilities readily accessible and useable to the Plaintiff and all
21 other persons with disabilities as defined by the ADA; or by closing the facilities until such
22 time as the Defendant cures its violations of the ADA.

23 **WHEREFORE**, Plaintiff respectfully requests:

- 24 a. The Court issue a Declaratory Judgment that determines that the Defendant at the
25 commencement of the subject lawsuit is in violation of Title III of the Americans with
26 Disabilities Act, 42 U.S.C. § 12181 et seq.
27 b. Injunctive relief against the Defendant including an order to make all readily achievable
28 alterations to the facilities; or to make such facilities readily accessible to and usable by

1 individuals with disabilities to the extent required by the ADA; and to require the
2 Defendant to make reasonable modifications in policies, practices or procedures, when
3 such modifications are necessary to afford all offered goods, services, facilities,
4 privileges, advantages or accommodations to individuals with disabilities; and by failing
5 to take such steps that may be necessary to ensure that no individual with a disability is
6 excluded, denied services, segregated or otherwise treated differently than other
7 individuals because of the absence of auxiliary aids and services.

- 8 c. An award of attorney's fees, costs and litigation expenses pursuant to 42 U.S.C. § 12205.
9 d. Such other relief as the Court deems just and proper, and/or is allowable under Title III
10 of the Americans with Disabilities Act.

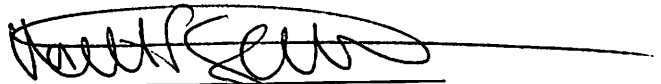
11 **COUNT II**
12 **VIOLATION OF THE NEVADA LAW**
13 **AGAINST DISCRIMINATION - Nevada ADA**
14 **(violation of Nevada Revised Statutes 651.070 et seq.**

- 15 17. The individual Plaintiff repeats the foregoing allegations as if they were expressly stated
16 herein.
17 18. The doctrine of pendent and supplemental jurisdiction is proper under 28 U.S.C. § 1367.
18 19. Defendant withheld, denied, deprived and/or attempted to withhold, deny or deprive the
19 Plaintiff the rights and privileges secured to them by NRS 651.070, et seq.
20 20. Pursuant to NRS 651.070, the Plaintiff was and is entitled to the full and equal enjoyment of
21 the facilities and accommodations of any place of public accommodation, including the
22 premises, goods and services of the Defendant, without discrimination or segregation based
23 on his disability.
24 21. Defendant's actions were in violation of a legal duty owed to the individual Plaintiff.
25 22. Defendant is and was required to comply with the dictates of the Federal and state laws which
26 forbid discriminatory policies, practices and facilities, including but not limited to
27 architectural barriers.
28 23. The individual Plaintiff suffered injury to his dignity, mental anguish and humiliation, and
other injuries, which were proximately caused by the Defendant's acts and failures to act.

1 **WHEREFORE**, Plaintiff respectfully requests:

- 2 a. The Court issue a Declaratory Judgment that determines that the Defendant, at the
3 commencement of the subject lawsuit, is in violation of Nevada Revised Statutes
4 651.070, et seq.
- 5 b. Injunctive relief against the Defendant including an order to make all readily achievable
6 alterations to the facilities; or to make such facilities readily accessible to and usable by
7 individuals with disabilities to the extent required by the ADA; and to require the
8 Defendant to make reasonable modifications in policies, practices or procedures, when
9 such modifications are necessary to afford all offered goods, services, facilities,
10 privileges, advantages or accommodations to individuals with disabilities; and by failing
11 to take such steps that may be necessary to ensure that no individual with a disability is
12 excluded, denied services, segregated or otherwise treated differently than other
13 individuals because of the absence of auxiliary aids and services.
- 14 c. Award compensatory damages to Plaintiff JOHN MEGGS.
- 15 d. An award of attorneys' fees, costs and litigation expenses.
- 16 e. The Court award such other and further relief as it deems necessary.

17 Respectfully Submitted,

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